2011 IL App (4th) 110774-U

Filed 12/29/11

NO. 4-11-0774

IN THE APPELLATE COURT

OF ILLINOIS

FOURTH DISTRICT

In re: Mic. G., Mor. G., and Mir. G., Minors	)	Appeal from
THE PEOPLE OF THE STATE OF ILLINOIS,	)	Circuit court of
Petitioner-Appellee,	)	Champaign County
v.	)	No. 09JA48
MICKIE GLENN,	)	
Respondent-Appellant.	)	Honorable
	)	Richard P. Klaus,
	)	Judge Presiding.

JUSTICE COOK delivered the judgment of the court.
Justices Pope and Knecht concurred in the judgment.

ORDER

¶ 1 *Held:* Where the State sufficiently proved that termination of respondent father's parental rights was in the children's best interests, the trial court did not err in entering a judgment of termination.

¶ 2 In August 2011, the trial court terminated the parental rights of respondent father, Mickie Glenn, to his three minor children, Mic. G. (born July 22, 2006), Mor. G. (born January 9, 2008), and Mir. G. (born September 16, 2009). He appeals, claiming the court's best-interest determination was against the manifest weight of the evidence. Following our review of the record, we affirm the court's judgment.

¶ 3 I. BACKGROUND

¶ 4 Respondent father and Sharon Wall are the parents of Mic. G., Mor. G., and Mir. G. (Respondent father is not the biological or putative father of the other children involved in the

underlying proceedings. Mic. G., Mor. G., and Mir. G. are the only children subject to this appeal.)

¶ 5 On May 27, 2009, an investigator for the Department of Children and Family Services (DCFS) went to respondent father's and Wall's home, because DCFS received a report that the home was unsafe for the couple's four children, Ka. W., Kr. W., Mic. G., and Mor. G. The investigator observed cockroaches crawling on the walls and floors and piles of garbage. The children appeared to be dirty. Additionally, the children's bedroom furniture had been moved into the living room, so respondent father could smoke marijuana in the room. On June 1, 2009, a shelter care hearing was held and the children were placed in the temporary custody and guardianship of DCFS.

¶ 6 On August 13, 2009, the trial court entered an order of adjudication of neglect. Respondent father stipulated to the allegation that Mic. G. and Mor. G. were neglected where their environment was injurious to their welfare as defined in section 2-3(1)(b) of the Juvenile Court Act of 1987 (Juvenile Court Act) (705 ILCS 405/2-3(1)(b) (West 2008)). On September 8, 2009, the court entered a dispositional order making Mic. G., Mor. G., and their two half-siblings wards of the court and appointing DCFS as the children's custodian and guardian. The court noted that respondent father did not cooperate with DCFS. The court further noted that he failed to comply with the Catholic Charities' call-in drug-testing program in which he was required to participate. The drug-testing program requires that participants check in with Catholic Charities on a daily basis and take a urine test, known as a drug drop, when requested. The court also found that respondent father exposed the children to domestic violence.

¶ 7 On September 21, 2009, approximately a week after Mir. G. was born, the State filed a petition for wardship of Mir. G. In the petition, the State alleged that Mir. G. was a neglected minor, because her environment was injurious to her welfare as defined in section 2-3(1)(b) of the Juvenile Court Act (705 ILCS 405/2-3(1)(b) (West 2008)). The petition further alleged that respondent father and Walls had failed to correct the conditions that resulted in a prior adjudication of parental unfitness in regards to Mir. G.'s siblings and half-siblings. Shortly after the petition was filed, respondent father relocated to St. Louis, Missouri.

¶ 8 On November 19, 2009, the trial court determined that Mir. G. was neglected. The following month, the court adjudicated Mir. G. a ward of the court and placed her in DCFS's custody and guardianship.

¶ 9 In August 2010, respondent father moved to Milwaukee, Wisconsin. While in Milwaukee, he completed parenting classes including a class for Employment Advantage Services. The class was a six-month, Christian-based class that respondent father testified as covering "a lot of things about family, domestic violence, about children."

¶ 10 In March 2011, respondent father relocated to Champaign, Illinois. At that time, he had not visited his children since December 16, 2009. On March 15, 2011, he contacted Catholic Charities to schedule a visit with his children. A Catholic Charities caseworker was able to arrange a visit for later that week. Respondent father had follow-up visits, each week, after that.

¶ 11 On March 10, 2011, the State filed a petition to terminate the parental rights of respondent father and Wall. The State alleged that respondent father and Wall were unfit persons, because they: (1) failed to make reasonable progress toward the return of the minors

within the initial nine months of the adjudication of neglect; (2) failed to make reasonable progress toward the return of the minors during any nine-month period after the end of the initial nine-month period following the adjudication of neglect; (3) failed to maintain a reasonable degree of interest, concern, or responsibility as to the welfare of the minors; (4) deserted the minors; and (5) abandoned the minors.

¶ 12 On June 1, 2011, June 27, 2011, and July 11, 2011, a parental fitness hearing was conducted. At the hearing, the guardian *ad litem* for the children recommended that respondent father's parental rights be terminated. The guardian *ad litem* described respondent father's efforts as follows: "to say his efforts were too little and too late is probably a grave understatement." The trial court found respondent father to be unfit. In its written order, the court pointed to respondent father's failure to show for 38 drug drops. The court also considered that respondent father was terminated from a domestic-violence class. The court further considered the number of times respondent father visited with his children. During 2009, respondent father missed 25 visits with his children. From December 16, 2009, through March 22, 2011, respondent father did not attend any visits with his children.

¶ 13 On August 17, 2011, a best-interest report was filed. According to the report, the children "are very much bonded with their caregiver." The children's foster parent indicated that she is willing to provide permanence for all three children. The report also showed that respondent father was cooperating with the caseworker, completed a parenting education class, and had 10 of 15 offered visits with his children. The report noted that respondent father interacted well with the children. However, respondent father failed to comply with the requirements of Catholic Charities' call-in drug testing program. He had not called in daily to

Catholic Charities as required under the program and failed to show for nine drug drops between April and August 2011. At the time the report was written, respondent father was employed at Steak 'n Shake and lived at the Salvation Army Men's Shelter. The best-interest report recommended that respondent father's parental rights be terminated. DCFS agreed with the recommendation.

¶ 14 On August 23, 2011, a best-interest hearing was held. No testimonial evidence was presented. After considering the best-interest report, docket orders, and prior written orders in the case, the trial court found that it was in the children's best interest for respondent father's parental rights to be terminated. The court determined that the children are: "bonded to their placement, and the foster parent is able and willing to provide permanency."

¶ 15 This appeal by respondent father followed.

¶ 16 II. ANALYSIS

¶ 17 On appeal, respondent father does not challenge the trial court's finding of unfitness. We therefore limit our review to whether termination of respondent father's parental rights was in the minors' best interest.

¶ 18 "At the best-interest stage of termination proceedings, the State bears the burden of proving by a preponderance of the evidence that termination is in the child's best interest." *In re Jay H.*, 395 Ill. App. 3d 1063, 1071, 918 N.E.2d 284, 290-91 (2009) (citing *In re D.T.*, 212 Ill. 2d 347, 366, 818 N.E.2d 1214, 1228 (2004)). At the best-interest stage, " 'the parent's interest in maintaining the parent-child relationship must yield to the child's interest in a stable, loving home life.' " *In re T.A.*, 359 Ill. App. 3d 953, 959, 835 N.E.2d 908, 912 (2005) (quoting *D.T.*, 212 Ill. 2d at 364, 818 N.E.2d at 1227).

> "When determining whether termination is in the child's best interest, the court must consider, in the context of a child's age and developmental needs, the following factors: (1) the child's physical safety and welfare; (2) the development of the child's identity; (3) the child's background and ties, including familial, cultural, and religious; (4) the child's sense of attachments, including love, security, familiarity, and continuity of affection, and the least-disruptive placement alternative; (5) the child's wishes; (6) the child's community ties; (7) the child's need for permanence, including the need for stability and continuity of relationships with parental figures and siblings; (8) the uniqueness of every family and child; (9) the risks related to substitute care; and (10) the preferences of the persons available to care for the child." *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291 (citing 705 ILCS 405/1-3(4.05) (West 2008)).

¶ 19 On review, the trial court's best-interest decision will not be reversed unless it is against the manifest weight of the evidence. *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. "A decision is against the manifest weight of the evidence only if the facts clearly demonstrate that the court should have reached the opposite result." *Jay H.*, 395 Ill. App. 3d at 1071, 918 N.E.2d at 291. "[T]his court gives great deference to the trial court's determinations at the dispositional hearing, given that the court is in the best position to observe the demeanor of the witnesses and the parties, assess credibility, and weigh the evidence presented." *Jay H.*, 395 Ill.

App. 3d at 1070, 918 N.E.2d at 290.

¶ 20 In this case, the record contained sufficient evidence to support the trial court's finding that termination of respondent father's parental rights was in Mic. G.'s, Mor. G.'s, and Mir. G.'s best interest. The record showed that the children were very bonded with their foster parent. The two older children have been living with their foster parent since July 2009 and the youngest child since shortly after her birth. Further, the foster parent was willing and able to provide permanency for all three children. Respondent father failed to visit his children for over a year. From December 16, 2009, through March 22, 2011, respondent father did not attend any visits with his children. Additionally, he did not have suitable housing for the children. At the time of the best-interest hearing, respondent father lived at a shelter for men. He also failed to comply with the requirements of Catholic Charities' call-in drug-testing program. Respondent father's minimal involvement with his children until only recently indicates that he will not be able to provide the children with the stability and permanency that they need. Further, at the best-interest hearing, the focus is on the children's best interest in a stable, loving home life, not on the respondent's desire to maintain a parental relationship. *T.A.*, 359 Ill. App. 3d at 959, 835 N.E.2d at 912. Accordingly, the court's termination of the respondent father's parental rights was not against the manifest weight of the evidence.

¶ 21 III. CONCLUSION

¶ 22 For the foregoing reasons, we affirm the trial court's judgment.

¶ 23 Affirmed.